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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,340	09/23/2003	Stefan Preijert	0173.038.PCUS01	2339
28694	7590	08/10/2007		
NOVAK DRUCE & QUIGG, LLP 1300 EYE STREET NW SUITE 1000 WEST TOWER WASHINGTON, DC 20005			EXAMINER COZART, JERMIE E	
			ART UNIT 3726	PAPER NUMBER
			MAIL DATE 08/10/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/605,340

Applicant(s)

PREIJERT ET AL.

Examiner

Jermie Cozart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-23 and 28 is/are rejected.
- 7) ☒ Claim(s) 24-27 and 29-33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/23/03 &amp; 3/5/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. In the response to the restriction requirement mailed 12/21/06, Applicants stated that claim 23 has been amended to claim separate or joint forging, also that claim 25 has been amended to depend from claim 26, and that by said amendments the asserted bases for restriction have removed.
2. In response to the reply filed 5/21/07, the Examiner has withdrawn the election/restriction requirement mailed 12/21/06 and as such a comprehensive examination of pending claims 18-33 follows.

### *Oath/Declaration*

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

### *Drawings*

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "first and the second blanks being formed in a joint forging operation in which the second blank is formed to the same profile as the hat profile of the first blank in a dividing plane of the die pads" must be shown or the feature(s) canceled from claim 24. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

5. Claim 25 is objected to because of the following informalities: In claim 25, *line 1*, the claim depends from a subsequent claim 26 and not a preceding claim which is not proper. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 20-22 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 20 recites the limitation "it" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 28 recites the limitation "the same press operation" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 18-20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winkler et al. (3,793,703) in view of Bielefeldt (3,697,725) and Lee et al. (5,934,544).

Regarding **claim 18**, Winkler discloses a method for producing a vehicle axle (see FIG. 14) by heating the blank (2) to a working temperature (col. 3, lines 47-48) then rolled (col. 3, line 49) thereby forming the first blank (2) into an intermediate product having a predetermined profile along a longitudinal extent thereof; feeding the first blank (2) to a forging press (12; col. 3, lines 52-56) having a number of cooperating die pads (9, 10), and working the first blank (12) to form a substantially finished product (6) having a cross section substantially in the form of a hat profile of predetermined height,

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width and material thickness along a length thereof; placing in connection with the hat profiled first blank (2), a second blank (2) having essentially the same profile as the hat profile of the first blank (2) in the dividing plane of the cooperating die pads; and joining (col. 4, lines 13-15) the first (2) and the second blank (2) together, at respective edges thereof, and forming a composite vehicle axle (see FIG. 14).

Regarding claim 19, Winkler discloses at least the first blank (2) being forged vertically (see FIG. 16) with respect to a principal plane in which the composite vehicle axle is intended to be used.

Regarding claim 20, Winkler discloses the forging operation (col. 4, line 21 – col. 5, line 55) comprising a first step in which a pair of first cooperating die pads (9, 10) form the material in the first blank such that it acquires a predetermined, varying height in a vertical plane along a longitudinal extent thereof and the first blank further acquires a basic principal shape in the principal plane in which the composite vehicle axle is intended to be used.

Regarding claim 23, Winkler discloses the second blank (2) being preformed in one of a separate forging operation to have substantially the same profile (see FIG. 14) as the hat profile of the first blank in a dividing plane of the die pads.

Winkler, however, does not disclose directing a first blank through a furnace or directing the first blank between a pair of rollers having profiled surfaces.

Bielefeldt discloses directing a first blank (11) through a furnace (10) for heating work-pieces. *See column 2, lines 14-20, and figure 1 for further clarification.*

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Lee discloses directing a first blank (18) between a pair of rollers (102, 104) having profiled surfaces, in order to impart the desired shape to the blank. *See column 3, line 65 – column 4, line 2, and figure 6A for further clarification.*

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to direct a first blank of Winkler through a furnace and to direct the first blank of Winkler between a pair of rollers having profiled surfaces, in light of the respective teachings of Bielefeldt and Lee, in order to heat the blank and impart the desired shape to the blank.

#### ***Allowable Subject Matter***

12. Claims 21, 22, and 28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

13. Claims 24-27 and 29-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

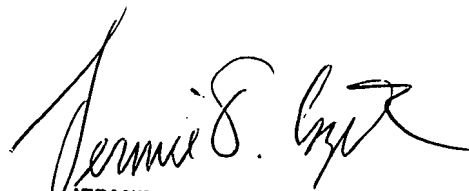
#### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 571-272-4528. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm.

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15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JERMIE E. COZART  
PRIMARY EXAMINER

August 3, 2007